

At An Audit Meeting / Work Session
Of the Town Board of the Town of Newburgh held
At 1496 Route 300 in said township at 7:00 P.M.
On the 16th day of June, 2004

Roll Call: Wayne C. Booth, Supervisor
Derek N. Benedict, Councilman
James E. Manley, Councilman
Gilbert J. Piaquadio, Councilman

Also Present: Mark C. Taylor, Attorney for the Town of Newburgh
James W. Osborne, Town Engineer
Andrew J. Zarutskie, Town Clerk
Charlene M. Black, Deputy Town Clerk\

Absent: George A. Woolsey, Councilman

1. Pledge of Allegiance to the Flag led by Robert Piaquadio, Town of Newburgh

2. Additional Items For Discussion From Board Members

5. c. Highway: Traffic Safety

6. g. Sewer Moratorium Exemption: 16 Willella Place

6. h. Performance Security for the Greak Subdivision

7. d. PBA vs. Palm Ready Time Clock moved to 5d.

8. Computer: Town Clerk's Office

3. Approval of Audit

MOTION was made by Councilman Benedict to approve the Audit in the amount of \$383,568.62 with the exception of voucher #2849, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – absent; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

4. Water Supply:

a. Bid for Corrosion Inhibitor

This is a request from Jim Corbett, Water Supply Superintendent, to go out to bid for the supply and delivery of blended orthophosphate used in the treatment of our water supply. Another name for this is Corrosion Inhibitor.

MOTION was made by Councilman Benedict to approve the request to go out to bid for the supply and delivery of blended orthophosphate (Corrosion Inhibitor), the advertising, the time and date to be coordinated with the Town Clerk, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – absent; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

b. Funding for Radio Telemetry

This is a request from Jim Corbett, Water Supply Superintendent, to approve the funding to replace the telemetry that is failing. Telemetry is the communication among the treatment facilities and tanks with respect to status and alarms. The current system is not supported by the manufacturer and relies on telephone lines for transmission of data. Electrical storms are a problem because the system fails due to no power. The design of the new telemetry will be done by Lynstaar Engineering at a cost of \$7,850.00, with a project cost of approximately \$80,000.00 including the preparation of bid specifications. Councilman Piaquadio asked to be involved in this project with Jim Corbett. Jim Osborne, Town Engineer, explained that only tank 1, tank 2, Frozen Ridge Road and the tap facility will be on line first. Once we specify equipment it will be easy to add on points. These funds will be taken out of the Capital Water Reserve Fund.

MOTION was made by Councilman Manley to authorize Mark Taylor, Attorney for the Town, to prepare a Resolution authorizing the expenditure of \$90,000.00 from the Capital Water Reserve Fund for Engineering and the purchase of the Radio

Telemetry and the authorization of services of Lynstaar Engineering, PC to do the design work, which is subject to Permissive Referendum, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – absent; Mr. Benedict – aye; Mr. Manley – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

c. Funding for Air Conditioning Specifications

This is a request from Jim Corbett, Water Supply Supervisor, to approve the spending of approximately \$2800.00 to develop specifications for air conditioning at the Chadwick Lake Filter Plant. There is money budgeted to subdivide part of the Filter Plant. This will not be done, so the money can be used for the air conditioning specs. The specifications can then be used to go out to bid for the job in 2005. The total cost for the job will be between \$10,000.00 and \$20,000.00 which we can put into the 2005 budget.

MOTION was made by Councilman Benedict to approve the expenditure of \$2800.00 to develop specifications for air conditioning at the Chadwick Lake Filter Plant, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – absent; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye.

5. Police Department

a. New York Patriot Plan

Chief Kehoe explained that Governor Pataki signed into law Executive Order Number 125, the Patriot Plan, on July 3, 2003. Article 5d of the law gives State Employees an additional 30 days of military leave pay which extends to December 31, 2004, but only if they are called to active duty. If the Town approves this, we need to pay two officers, Hansen and Ryther, for the additional 30 days. This would mean the Town pays a supplement of ten months and full pay for two months.

MOTION was made by Councilman Benedict to approve the New York Patriot Plan to include any and all persons that have been called to active duty for an additional 30 days paid leave until December 31, 2004, seconded by Councilman Manley.

VOTE: Mr. Woolsey absent- Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

b. Purchase of Digital Camera System

Chief Kehoe is requesting to purchase a digital camera system and recorder to be installed at the Police Headquarters. Web-Eye Alert Inc. has the low price of \$7,268.13 and funding for this purchase was included in the bond that was passed by the Board on January 28, 2004. The two other quotes we received were from Lookout Security, 92 Main Street, Watertown, MA for \$9,100.00, and D-Ben Security, 619 Gidney Ave., Newburgh, NY for \$10,775.00.

MOTION was made by Councilman Manley to approve the purchase of the digital camera system and recorder from Web-Eye Alert, Inc. in the amount of \$7,268.13, seconded by Councilman Benedict.

VOTE: Mr. Woolsey – absent; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – abstain; Mr. Booth – aye. Motion passed 3 ayes – 1 absent – 1 abstention.

c. Highway: Traffic Safety

Councilman Manley wanted to let the Board know that he was on Lakeside Road where they are repaving and there seems to be a problem with people traveling on Town Roads while they are being constructed. They are not maintaining a safe speed. We need “Construction Ahead” signs or to utilize the extra police car in the area where construction is taking place. Chief Kehoe mentioned getting speed signs. These signs get hitched to the back of a truck or car and you type in whatever message needs to be on the sign. Chief Kehoe suggested the Highway Department change from the flagman to Stop signs. They are much more efficient. He suggests the Board look at the emergency lights on our trucks because they aren’t adequate. They need more lights, so when the bodies are raised the lights are visible.

Move 7d. to 5 d. PBA vs. Palm Time Clock

Doug Scott, President of the PBA, and Steven Bouffard, Vice President of the PBA, were present for this discussion. The PBA wants to go on record that they are not against the palm scanner, Internal Affairs Investigations testing and the cameras. We know we don't necessarily need the Internal Affairs Investigations testing for the implementation of the accreditation. The cameras we know are a necessary item. As for the palm scanner we are not totally against it, but we want to know that the way things have been done in the past will not change. We don't want any negative impact on their membership. We have not seen a policy on the palm scanner and yet it has been implemented. Doug explained that he has spoken to Anna Molnar, Payroll Personnel, and it could be an accounting nightmare to try to keep up with the demands such as worked hours, mutual swaps, comp time, etc. To his knowledge the Police Department doesn't have a problem with keeping track of hours and time. The palm scanner, we were told by our attorney, is a mandatory issue of negotiation, as is the Internal Affairs Investigations and Drug Testing Policy. The Attorney for the Town, Mark Taylor, suggested to the Board retaining Elayne Gold, who is the Town's Labor Attorney, to commence negotiations. Ms. Gold has the expertise in these matters. For the record, Councilman Benedict said the palm scanners are a nightmare. They are more work for the Department Head than any other system. The PBA wants to know that things will not change. Right now we just sign in, in a log book. Councilman Manley said he has spoken to Jackie Calarco, Town Accountant, about the different problems like swapping would create. There is a module that can be purchased to alleviate some of the paper work. What the module will do is put the data into Diane Bishop's computer and maybe both the lieutenants computers. They will be able to go into the actual scanner and over ride a swap for example. Then when it goes to Accounting, everything is correct. The PBA explained that just as long it doesn't affect anything they are currently doing, the PBA doesn't have a problem. We just want the Town Board's word that things will not change, that the every day workings of the Police Department will not change. Then the PBA is okay. In the future the current Town Board might not be here and we might not be fortunate enough to have a good relationship with the next Board. They might say it's a pain in the neck to keep track of all the paper work, so we are going to abolish swaps or whatever. Therefore it would be in the PBA's interest to have this discussion with this Town Board to acknowledge the palm scanner contractually and also document whatever terminology is needed, that the swaps and etc. will not be negatively affected. The swaps are in the contract now if they are mutually agreed upon by the Chief of Police and the employee. Chief Kehoe said this has been going on for thirty years that he knows of. Just as long as the shift is covered and all parties are agreeable, there is no problem. The Chief explained that this scanning system has not cut down on paper work. If an officer is called to a crime scene at 2:00 a.m., we still have to document it on paper and then enter it in the computer. Councilman Manley said Accounting knows this will happen from time to time, so it will become a manual entry exception. Councilman Benedict asked if it is a problem for a certain department, can it be not instituted in that department or will this cause problems? Officer Scott asked if Councilman Benedict meant for the department to be exempt. If so, the Police Department doesn't use mechanical means to clock in now. Councilman Manley explained that the clerical in Town Hall just came in and it was up to their Department Head to make sure they were in on time and used their time correctly. Officer Scott explained that if this is brought to a grievance, the PBA would win because this scanner was never in place before and is a negotiable item. We don't want to make enemies of the Town Board over this. Mark Taylor, Attorney for the Town, suggested the PBA to get in touch with Elayne Gold, our labor relations attorney, for her opinion of the palm scanner.

6. Engineering**a. Sewer Moratorium Exemption – 8 Grimm Road**

This is a request from Jim Osborne, Town Engineer, to approve the request of a hardship waiver for a sewer connection for Dr. Helene Freer, 8 Grimm Road. This is based on inspections from the Sewer Department that the septic system is failing.

This is a single family home.

MOTION was made by Councilman Manley to grant a hardship waiver for 8 Grimm Road due to a failing septic system, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – absent; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

b. Sewer Moratorium Waiver – 633 Gidney Avenue

This is a request from Anthony Coppola, R.A., to install a storage tank with the same standards that were stipulated with previous approvals. This is due to the fact the sewer moratorium is still in effect. They did try to figure out where to put in a septic but there is not enough room for it.

MOTION was made by Councilman Manley to approve the storage tank for 633 Gidney Avenue, seconded by Councilman Benedict.

VOTE: Mr. Woolsey – absent; Mr. Benedict – nay; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 3 ayes – 1 nay – 1 absent.

c. Sewer Moratorium Modification Discussion

See attached list for specifics.

This is subject to a Public Hearing which we would like to schedule for July 6, 2004. Supervisor Booth explained that he, Jim Osborne, Town Engineer, Nick Valentine, City of Newburgh Mayor, Bob McKenna, Acting City Manager and Bill Hauser, the City of Newburgh's Consultant, met to talk about how to release the moratorium and to start allowing hook ups to the sewer system. The key note was to pick a nominal cut off point in flows and give us a lead way for wet weather and Inflow & Infiltration. Jim Osborne, Town Engineer, explained that the list you have in front of you has the projects in order of priority for releasing. The first two they have either been grandfathered or, in the case of Target and Wal Mart, the Board made the determination that the moratorium is not applicable. They have vested rights to the extent that they can use the sewer. Item three is existing holding tanks that are in service or about to come into service. The last item is the point where we allow people to proceed. This discussion is to modify the moratorium and not lift it. Projects that received negative declarations prior to the date of the settlement with the City of Newburgh can proceed to for final approval and connection. We would like to add into the modification, existing single family lots. This would eliminate these hardship waivers and also allow people who were granted temporary septic systems to connect. It does not encompass subdivisions. It needs to be an existing residential lot for the purpose of a residential home. We also have to get approval from the City of Newburgh on this.

d. Three lots on a Common Drive: Bell, Pellella and Travis

Councilman Manley recused himself since one of the clients of Mr. Raab's is also a client of his.

This is a request from James Raab, a representative for Vincent Doce Associates, to get a waiver to the 2 lot limit for common driveways. The waiver would permit two lots proposed by his clients and Mr. Travis' lot to access Lockwood Lane over a common driveway presently used by the existing house and the Travis house. Mr. Bell and Mr. Pellella are going to dedicate land to the Town so the Town will have to construct the turn around needed at the end of Lockwood Lane. Jim Osborne, Town Engineer, explained this is not a three lots on a common drive, usually they are dead ended. This can be further sub divided. The question for the Board is, is the acquisition of the property for a turn around weigh in favor of granting this.

MOTION was made by Councilman Piaquadio to approve the request for the three lots on a common driveway in connection with the lands of Bell, Pellella & Travis subject to an offer of dedication of lands or a cul de sac at the end of Lockwood Lane from the property owners which offer property shall be satisfactory with respect to title to the Attorney for the Town and further provide that the dedication shall be made and accepted prior to further sub division of the lands of Pellella and Bell, seconded by Councilman Benedict.

VOTE: Mr. Woolsey – absent; Mr. Benedict – aye; Mr. Manley – absent; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 3 ayes – 2 absent.

Greenway Presentation by Ron Hughes (this item was not on the agenda)

Supervisor Booth recognized Ron Hughes, who gave a presentation on the Greenway Commission.

e. Polo Club Proposal

Jim Osborne, Town Engineer, explained that they had a meeting with Land Master regarding the Newburgh Polo Club and they are basically going to run a sewer main from Gardnertown Creek behind Gardnertown Road at the end of Dennis Road up through their property close to Jeannie Drive. The Board is aware that we have looked to develop a sewer line up Plattekill Turnpike for years. The Polo Club is willing to upsize the pipe to accommodate the Town's future expansion needs. They are looking for two considerations. One is payment for the difference between the sizes of pipe they are required to put in and the size of the pipe the Town requires to be put in. They submitted a cost analysis of that and it shows it is less than \$160,000.00 difference on a one million dollar plus project. The second consideration is a modification of the outside user agreement. The fees would be back loaded instead of front loaded, meaning they want to pay \$500.00 upon execution of Town Board approval, which is \$1500.00, \$1500.00 upon Planning Board approval, which is the \$1500.00 and the \$1500.00 upon building permit, which is \$500.00. Mark Taylor, Attorney for the Town, explained that the project includes property on Jeannie Drive that needs a zoning change from IB to R3. The Board advised them they would be willing to entertain either mechanism if the applicant ensured their commitment to the sewer project. The mechanism that we established in which they would be willing to execute an outside user agreement and deliver it in escrow.

f. Town Hall Expansion: Removal of 5,000 Gallon Underground Tank

This is a request from Jim Osborne, Town Engineer, to authorize the payment of the clean-up and closure costs associated with the tank removal from Town Hall. Based on the final services by American Petroleum, which include the disposal of contaminated soil, water and fuel residue at a final cost of \$13,848.17. These funds will be taken out of the Town Hall Reserve Fund.

MOTION was made by Councilman Manley to authorize the payment of \$13,848.17 to be taken out of the Town Hall Reserve Fund, for American Petroleum, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – absent; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

g. Sewer Moratorium Exemption for 15 Willella Place

This is a request from Jim Osborne, Town Engineer, to approve the request for a hardship waiver for 15 Willella Place for Paul J. Astalos due to a failing septic system. This system has been inspected by our Sewer Department and is in agreement that the septic is failing and needs to be replaced. This is a single family home.

MOTION was made by Councilman Piaquadio to grant the hardship waiver for 15 Willella Place, seconded by Councilman Manley.

VOTE: Mr. Woolsey - absent; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

h. Greak Subdivision: Set Performance Security

This is a request from Jim Osborne, Town Engineer, to set the Performance Security in the amount of \$24,650.00 and this approval will set the inspection fee at \$986.00.

MOTION was made by Councilman Manley to set the Performance Security in the amount of \$24,650.00, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – absent; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

The applicant has completed the rough grading of the road and the installation of bulk shale. Mr. Osborne is asking to reduce the Performance Security from \$24,650.00 to \$14,500.00. The reduction of \$10,150.00 is for the work that has been done already.

MOTION was made by Councilman Manley to reduce the Performance Security from \$24,650.00 to \$14,500.00 with \$10,150.00 reduction for work completed, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – absent; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

7. Legal

a. Hudson Valley Auto Appraisers: Sale of Surplus Land

This is a request from Gary Galati, Esq., Attorney for Hudson Valley Auto Appraisers, Inc. offering \$2,000.00 for the transfer of the former Beede Street property that is adjacent to the Hudson Valley's lot. The amount of \$5,000.00 the Town asked for was declined and they are still offering \$2,000.00 for the property. The Board feels the property not vital to the Town so Mark Taylor, Attorney for the Town, can have a Resolution ready for Monday night's meeting agreeing to the \$2,000.00 and signing the deed over to Hudson Valley Auto Appraisers.

b. Orange Lake Fire District Inter-Municipal Agreement

This is a draft Agreement between the Town of Newburgh and Orange Lake Fire District for our Fleet Maintenance Department to start inspections of their fire trucks and other emergency motor vehicles. The Board feels if we do this for one Fire Department then we'd have to do for all. We need to have Jim LaColla, Head Mechanic, to come in and express his opinion of this situation.

c. G.E.I.S. Approval: Saccardi & Schiff

Mark Taylor, Attorney for the Town, explained that the scope of services for which the Town contracted with Saccardi & Schiff did not include the SEQR necessary for the adoption or adoption proceedings for the Comprehensive Plan Update. With the implementation and SEQR review we could either consider adopting a negative declaration or having a Generic Environmental Impact Statement (G.E.I.S.) prepared. Mark recommends incurring the cost and having the Generic Environmental Impact Statement prepared. The cost for the G.E.I.S. is \$25,000.00 which can be taken out of the Consultant budget.

MOTION was made by Councilman Piaquadio to approve the cost of the Generic Environmental Impact Statement to be prepared by Saccardi & Schiff at a cost of \$25,000.00 to be taken out of the Consultant budget, seconded by Councilman Manley.

VOTE: Mr. Woolsey – absent; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

8. Computer: Town Clerk's Office

This is a request from Councilman Piaquadio to purchase a Dell computer from the State list (with monitor and printer) to be installed in the Town Clerk's office for the expansion of internet service. He is also requesting connections for Roseanne Smith, Personnel and Jackie Calarco, Town Accountant. The expenses are not to exceed \$2,000.00 and are to be taken out of the Computer Contingency Fund. Running of the cable and final connections will be at the courtesy of Councilman Benedict and Councilman Piaquadio. This will be a temporary situation because we don't want to plug into the existing computers because everything that is networked we might have big problems. Even if you have a fire wall you have to worry about someone hacking into your files or getting a virus. Andrew Zarutskie, Town Clerk, asked why in other offices, each of their employees have access to the Internet and his employees can not. Councilman Benedict said its the ability or desire of individuals to relinquish potential control over what is in that system. For instance, Tom Masten has three separate networks now and he is concerned if everyone is connected, that someone will be able to get into those systems and see our records. It could happen. What is protecting us right now is having a fire wall. A virus could shut down the whole system. We would like to have the whole Town networked and we have taken that step already by purchasing the equipment which is sitting in the Supervisor's office. With the Town Clerk's office, he will have Internet connection but not inter office connection.

MOTION was made by Councilman Piaquadio to authorize the expenditure, not to exceed \$2,000.00 from the Computer Reserve Fund for the purchase of a computer for the Town Clerk's Office, connections for Roseanne Smith, Personnel and Jackie Calarco, Town Accountant, seconded by Councilman Manley.

VOTE: Mr. Woolsey – absent; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

Adjournment

MOTION was made by Councilman Piaquadio to adjourn the Audit Meeting / Work Session of June 16, 2004 at 10:07 P.M., seconded Councilman Benedict.

VOTE: Mr. Woolsey – absent; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

Andrew J. Zarutskie, Town Clerk

by

Charlene M. Black, Deputy Town Clerk